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**NOTES OF CASES.**

**Was She a Perfect Lady?**—Bessie Moore, of North Carolina, was charged with disorderly conduct, "In that she did curse upon the streets." Having given a bond for her appearance for a breach of some local ordinance, she was stepping into her buggy, when, cautioned by a detaining policeman not to drive through the town, she shocked him by saying she would drive "where she damned please." The Supreme Court of North Carolina in *State v. Moore*, 81 Southeastern Reporter, 693, very diplomatically frees her from the charge: "We will not venture to enter upon any casuistical discussion of the question whether the word damn' is profanity or not, as our decision in the case does not require it. The speech of the defendant was not nice or refined, but this does not of itself render it criminal. Disorderly conduct is a species of nuisance, and it may be a violation of the ordinance without necessarily being indictable at common law, as it is a minor offense below the grade of a misdemeanor and not known to the law as a separate and distinct crime except as made so by statute or municipal ordinance. Conduct can hardly be described as disorderly unless it tends in some degree to disturb the peace or good order of the town or has a vicious or injurious tendency. \* \* \* The defendant expressed her displeasure or futile indignation a little too strongly, and should not have used so indecorous an expletive in doing so, but it did not reach beyond the ears of the policeman and hardly made a ripple on the placid surface of the municipal peace. The evidence did not correspond with the allegation nor tend to support it, nor was there a breach of the ordinance as it is set forth in the affidavit."

**Superior Quality Satisfies Warranty in Sale.**—That goods need not always be of the description given, or of the same quality ordered, and yet may be sufficient as a compliance with the contract of sale, under certain circumstances, is the holding of *Buffalo Collieries Company v. Indian Run Coal Company*, 81 Southeastern Reporter, 1055. Plaintiff sued to recover for coal which had been delivered to defendant, and defendant sought to recoup damages for an alleged breach of an implied warranty, in that plaintiff had agreed to deliver "nut and slack" coal to defendant, and that, after partial performance of the contract, plaintiff discontinued to furnish the coal ordered, but instead furnished washed "nut and slack" coal, which the defendant found difficult to use in their automatic stokers. The evidence showed, however, that the washed coal was better than the unwashed, in that it contained more heat units. The Supreme Court of Appeals of West Virginia held that, inasmuch as the quantity of heat units in coal was the most desirable quality, the delivery of such coal was a substantial compliance with the contract of sale, though